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\* This is a new rule.

# These rules were previously adopted as emergency changes.

## LR 4. CIVIL CASE SCHEDULE

**(a) Case Schedule.** Except as otherwise provided in these rules or ordered by the Court, when an initial pleading is filed and a new civil case file is opened, the Clerk will prepare and file a scheduling order (referred to in these rules as a "Case Schedule") and will provide two copies to the party filing the initial pleading.

**(b) Cases not governed by a Case Schedule.** Unless otherwise ordered by the Court, the following cases will not be issued a Case Schedule on filing:

- (1) Change of name;
- (2) Domestic violence (RCW chapter 26.50);
- (3) Harassment (RCW chapter 10.14);
- (4) Uniform Reciprocal Enforcement of Support Act (URESAs) and Uniform Interstate Family Support Act (UIFSA);
- (5) ~~Juvenile dependency (except terminations and juvenile guardianships)~~ Small Claims Appeals;
- (6) Unlawful detainer;
- (7) Foreign judgment;
- (8) Abstract or transcript of judgment;
- (9) Petition for Writ of Habeas Corpus, Mandamus, Restitution, or Review, or any other Writ;
- (10) Civil commitment;
- (11) Proceedings under RCW chapter 10.77;
- (12) Proceedings under RCW chapter 70.96A;
- (13) Proceedings for isolation and quarantine;
- (14) Asbestos cases;
- (15) Vulnerable adult protection.

**(c) Service of Case Schedule on Other Parties.**

(1) The party filing the initial pleading shall promptly provide a copy of the Case Schedule to all other parties by (a) serving a copy of the Case Schedule on the other parties along with the initial pleading, or (b) serving the Case Schedule on the other parties within 10 days after the later of the filing of the initial pleading or service of any response to the initial pleading, whether that response is a notice of appearance, an answer, or a CR 12 motion. The Case Schedule may be served by regular mail, with proof of mailing to be filed promptly in the form required by CR 5.

(2) A party who joins an additional party in an action shall serve the additional party with the current Case Schedule together with the first pleading served on the additional party.

**(d) Amendment of Case Schedule.** The Court, either on motion of a party or on its own initiative, may modify any date in the Case Schedule for good cause, except that the trial date may be changed only as provided in LR 40(e). If a party by motion requests an amendment of the Case Schedule, that party shall prepare and present to the Court for signature an Amended Case Schedule, which upon approval of the Court shall be promptly filed and served on all other parties. The motion shall include a proposed Amended Case Schedule. If a Case Schedule is modified on the Court's own motion, the Judicial Assistant will prepare and file the Amended Case Schedule and promptly mail it

to all parties. Parties may not amend a Case Schedule by stipulation without approval of the assigned Judge.

**(e) Form of Case Schedule.**

(1) Case Schedule. A Case Schedule for each type of case, which will set the time period between filing and trial and the scheduled events and deadlines for that type of case, will be established by the Court by General Order, based upon relevant factors including statutory priorities, resources available to the Court, case filings, and the interests of justice.

(2) A Case Schedule, which will be customized for each type of case, will be in generally the following form:

Filing: .....	0
Confirmation of Service(LR 4.1):.....	F+4
Confirmation of Joinder (LR 4.2(a) for civil cases); or	
Confirmation of Issues (LR 4.2(b) for dissolution and modification cases); or	
Confirmation of Completion of Blood Testing (LR 4.2(c) for paternity cases):	
.....	F+23
Status Conference (if needed; see LR 4.3):.....	F+25
Disclosure of Possible Primary Witnesses (LR 26(b)): .....	T - 22
Disclosure of Possible Rebuttal Witnesses (LR 26(c)):.....	T - 16
Final Date to Change Trial and to File Jury Demand (non-family law civil cases)	
(LR 40(e)(2), 38(b)(2)):.....	T - 14
Discovery Cutoff (LR 37(g)): .....	T - 7
Pretrial Conference (LR 16):.....	[if ordered by assigned judge]
Exchange of Witness and Exhibit Lists and Documentary Exhibits	
(LR 16(a)(3)):.....	T - 3
Deadline for Hearing Dispositive Pretrial Motions	
(LR 56, CR 56): .....	T - 2
Joint Statement of Evidence(LR 16(a)(4)):.....	T - 1
Trial:.....	T

It is ORDERED that all parties shall comply with the foregoing schedule and that sanctions, including but not limited to those set forth in Rule 37 of the Superior Court Civil Rules, may be imposed for noncompliance. It is FURTHER ORDERED that the party filing this action must serve this Order Setting Case Schedule on all other parties.

Dated: \_\_\_\_\_  
Judge

I understand that a copy of this document must be given to all parties:

\_\_\_\_\_  
(Signature)

Note: a number in the right column preceded by an "F" refers to the number of weeks after filing; a number in the right column preceded by a "T" refers to the number of weeks before trial.

**(f) Monitoring.** At such times as the Presiding Judge may direct, the Clerk will monitor cases to determine compliance with these rules.

**(g) Enforcement; Sanctions; Dismissal; Terms.**

(1) Failure to comply with the Case Schedule may be grounds for imposition of sanctions, including dismissal, or terms.

(2) The Court, on its own initiative or on motion of a party, may order an attorney or party to show cause why sanctions or terms should not be imposed for failure to comply with the Case Schedule established by these rules.

(3) If the Court finds that an attorney or party has failed to comply with the Case Schedule and has no reasonable excuse, the Court may order the attorney or party to pay monetary sanctions to the Court, or terms to any other party who has incurred expense as a result of the failure to comply, or both; in addition, the Court may impose such other sanctions as justice requires.

(4) As used with respect to the Case Schedule, "terms" means costs, attorney fees, and other expenses incurred or to be incurred as a result of the failure to comply; the term "monetary sanctions" means a financial penalty payable to the Court; the term "other sanctions" includes but is not limited to the exclusion of evidence.

**Official Comment**

1. Time Standards. The Court has adopted the following time standards for the timely disposition of cases. In view of the backlog of cases and the scarcity of judicial resources, it may take some time before these standards can be met.

(a) General Civil. Ninety percent of all civil cases should be settled, tried, or otherwise concluded within 12 months of the date of case filing; 98 percent within 18 months of filing; and the remainder within 24 months of filing, except for individual cases in which the Court determines that exceptional circumstances exist and for which a continuing review should occur.

(b) Summary Civil. Proceedings using summary hearing procedures, such as those landlord-tenant and replevin actions not requiring full trials, should be concluded within 30 days of filing.

(c) Family Law. Ninety percent of all family law matters should be settled, tried, or otherwise concluded within nine months of the date of case filing, with custody cases given priority; 98 percent within 12 months and 100 percent within 15 months, except for individual cases in which the Court determines that exceptional circumstances exist and for which a continuing review should occur.

(d) Criminal and Juvenile. Criminal and juvenile cases should be heard within the times prescribed by CrR 3.3 or CrRLJ 7.8.

2. Case Schedule. The term "plaintiff" throughout these rules is intended to include a "petitioner" if that is the correct term for the party initiating the action.

If there is more than one plaintiff, it is the responsibility of each plaintiff to see that the Case Schedule is properly served upon each defendant. This does not mean that multiple copies of the Case Schedule must be served upon each defendant, only that every plaintiff will be held accountable for a failure to serve a copy of the Case Schedule upon a defendant. Multiple plaintiffs should decide among themselves who will serve the Case Schedule upon each defendant.

[Adopted effective January 1, 1990; amended effective September 1, 1992; September 1, 1993; September 1, 1996, September 1, 2001, September 1, 2002.]

**LR 4.2 CONFIRMATION OF JOINDER OF PARTIES AND ISSUES IN CIVIL  
AND FAMILY LAW CASES; COMPLETION OF TESTING IN PATERNITY  
CASES**

**(a) Civil Non-Family Law Cases; Confirmation of Joinder of Parties, Claims and Defenses; Form.** This rule applies to all civil cases with a Case Schedule that are not governed by LR 94.04.

(1) Additional Parties, Claims, and Defenses. No additional parties may be joined, and no additional claims or defenses may be raised, after the date designated in the Case Schedule for Confirmation of Joinder of Additional Parties, Claims, and Defenses, unless the Court orders otherwise for good cause and subject to such conditions as justice requires.

(2) Confirmation of Joinder; Form. ~~If all parties do not sign the Confirmation of Joinder form or give telephonic authority for signature of the form, a status conference shall be held.~~ No later than the designated deadline for joining additional parties and raising additional claims and defenses, as described in section (1) above, the plaintiff shall, after conferring with all other parties pursuant to paragraph (3) of this rule, file and serve a report entitled "Confirmation of Joinder of Parties, Claims, and Defenses," which will be in substantially the following form:

**CONFIRMATION OF JOINDER OF PARTIES,  
CLAIMS, AND DEFENSES**

I. ☐ The parties make the following joint representations:

~~[A CASE STATUS CONFERENCE AS NOTED IN THE CASE SCHEDULING ORDER WILL BE CANCELED ONLY IF THIS BOX IS CHECKED AND ALL PARTIES HAVE EITHER SIGNED THIS FORM OR GIVEN THEIR TELEPHONIC AUTHORITY FOR SIGNATURE]~~

1. This case is not subject to mandatory arbitration.  
[If it is, this report should not be filed; instead, no later than the deadline for filing this report, a statement of arbitrability should be filed, pursuant to LMAR 2.1(a).]
2. No additional parties will be joined.
3. All parties have been served or have waived service.
4. All mandatory pleadings have been filed.
5. No additional claims or defenses will be raised.
6. The parties anticipate no problems in meeting the deadlines for disclosing possible witnesses and other subsequent deadlines in the Case Schedule.
7. All parties have cooperated in completing this report.

II. ☐ The parties do not join in making the foregoing representations, as explained below (if appropriate, check both the box at left and every applicable box below):

~~[IF THE BOX ADJACENT TO THE PRECEDING SENTENCE IS CHECKED, THERE WILL BE A STATUS CONFERENCE, AS NOTED IN THE CASE SCHEDULING ORDER, AT WHICH ALL PARTIES OR THEIR ATTORNEYS MUST APPEAR.]~~

- ☐ This case is subject to mandatory arbitration, but not yet ready for the Statement of Arbitrability to be filed.
- ☐ An additional party will be joined.
- ☐ A party remains to be served.
- ☐ A mandatory pleading remains to be filed.
- ☐ An additional claim or defense will be raised.
- ☐ One or more parties anticipate a problem in meeting the deadlines for disclosing possible witnesses or other, subsequent deadlines in the Case Schedule.
- ☐ A party has refused to cooperate in drafting this report.
- ☐ Other explanation:

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~~In order to obtain the Court's direction in the matters described above, the parties will appear at an Initial Status Conference, the date of which (as stated in the notices on the Case Schedule) is:~~

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DATED: \_\_\_\_\_ SIGNED: \_\_\_\_\_

Plaintiff/Petitioner/Attorney (If attorney, WSBA #: \_\_\_\_\_)

Typed Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Attorney(s) For: \_\_\_\_\_

DATED: \_\_\_\_\_ SIGNED: \_\_\_\_\_

Defendant/Respondent/Opposing Counsel (If attorney, WSBA #: \_\_\_\_\_)

Typed Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Attorney(s) For: \_\_\_\_\_

- (3) Parties to Confer in Completing Form. The plaintiff shall confer with all other parties in completing the form. If any party fails to cooperate in completing the form, any

other party may file and serve the form and note the refusal to cooperate.

- (4) Show Cause Hearing. The court will review the confirmation of joinder document to determine if a hearing is required. If a Show Cause order is issued, all parties cited in the order must appear before the assigned judge.
- ~~(4) — Status Conference. Unless the Confirmation of Joinder of Parties, Claims, and Defenses is timely filed and demonstrates that a status conference is not needed, all parties must, on the date designated by the Court in the Case Schedule, attend a status conference with a Judge, Commissioner or Special Master designated by the Presiding Judge. See LR 4.3.~~

(5) Cases Subject to Mandatory Arbitration. If a statement of arbitrability pursuant to LMAR 2.1(a) is filed on or before the deadline for filing the Confirmation of Joinder of Parties, Claims, and Defenses, the Confirmation of Joinder need not be filed and no status conference will be held.

**(b) Family Law Dissolution and Modification Cases; Confirmation of Issues; Referral to Mediation; Form.**

(1) Confirmation of Issues; Referral to Mediation.

(A) Deadline for Raising Additional Issues. No additional issues may be raised after the date designated in the Case Schedule for Confirmation of Issues, unless the Court orders otherwise for good cause and subject to such conditions as justice requires.

(B) Confirmation of Issues; Form. If all parties do not sign the Confirmation of Issues form or give telephonic authority for signature of the form, a status conference shall be held. No later than the designated deadline for raising additional issues, as described in subsection (b)(1)(A) above, the petitioner shall, after conferring with the respondent pursuant to subsection (b)(1)(C) of this rule, file and serve a report entitled "Confirmation of Issues," which shall be in substantially the following form:

CONFIRMATION OF ISSUES AND  
CERTIFICATE REGARDING MEDIATION

[ ] The parties make the following joint representations:

[A CASE STATUS CONFERENCE AS NOTED IN THE CASE SCHEDULING ORDER WILL BE CANCELED ONLY IF THIS BOX IS CHECKED AND ALL PARTIES HAVE SIGNED THIS FORM OR GIVEN THEIR TELEPHONIC AUTHORITY FOR SIGNATURE]

1. All parties have been served or have waived service.

2. All mandatory pleadings have been filed.
3. No additional issues will be raised.
4. The parties anticipate no problems in meeting the deadlines for disclosing possible witnesses and other, subsequent deadlines in the Case Schedule.
5. All parties have cooperated in completing this report.

☐ The parties do not join in making the foregoing representations, as explained below (if appropriate, check both the box at left and every applicable box below):

[IF THE BOX ADJACENT TO THE PRECEDING SENTENCE IS CHECKED, THERE WILL BE A STATUS CONFERENCE, AS NOTED IN THE CASE SCHEDULING ORDER, AT WHICH ALL PARTIES OR THEIR ATTORNEYS MUST APPEAR.]

☐ A party remains to be served.

☐ A mandatory pleading remains to be filed.

☐ An additional issue will be raised.

☐ One or more parties anticipate a problem in meeting the deadlines for disclosing possible witnesses or other subsequent deadlines in the Case Schedule.

☐ A party has refused to cooperate in drafting this report.

☐ Other explanation:

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In order to obtain the Court's direction in the matters described above, the parties will appear at an Initial Status Conference, the date of which (as stated in the notices on the Case Schedule) is:

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#### CERTIFICATE REGARDING MEDIATION

**NOTICE: You may list an address that is not your residential address where you agree to accept legal documents.**

Petitioner:

Address:

Respondent:

Address:



Telephone:

Telephone:

Attorney for  
Petitioner:  
Address:

Attorney for  
Respondent:  
Address:

Telephone:

Telephone:

1. Is there a court order or other action regarding mediation?  
Yes \_\_\_\_ No \_\_\_\_

If yes, check the appropriate box below:

☐ This matter has been referred to mediation by court order  
dated:\_\_\_\_\_.

☐ Mediation was waived by court order dated:  
\_\_\_\_\_.

☐ The parties are presently engaged in private mediation with  
(name, address & phone number):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If any of the above boxes are checked, the case will not be referred to  
mediation per KCLR 4.2(b)(1)(E).

2. Is parenting of minor children contested in this case?  
Yes \_\_\_\_ No \_\_\_\_ [Check "yes" unless the same parenting plan has been  
signed by both parties.]

If the answer is "Yes" and none of the boxes is checked regarding  
mediation, the Court Clerk will administratively refer the case to  
mediation at Family Court Services unless parties have filed an order  
waiving mediation. Please complete the items on the following page if  
parenting is contested and none of the above boxes regarding mediation is  
checked.

3. Is there an allegation of domestic violence in this case?  
Yes \_\_\_\_ No \_\_\_\_

4. Is there an allegation of child abuse? Yes \_\_\_\_ No \_\_\_\_

5. Is there an allegation of sexual abuse? Yes \_\_\_\_ No \_\_\_\_

6. Is there a GAL or CASA appointed? Yes \_\_\_\_ No \_\_\_\_

If the answer is yes, provide the name, address & phone number of the appointed individual.

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7. Is there a private parenting plan evaluator or Family Court Services evaluator previously ordered in this matter?

Yes \_\_\_\_ No \_\_\_\_

If the answer is yes, provide the name, address, & phone number of the appointed individual.

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8. Is an interpreter needed for either party? Yes \_\_\_\_ No \_\_\_\_

If the answer is yes, provide the name of the party(s) and language(s) needed.

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Notice to parties: This matter will be referred to mediation at Family Court Services whenever the parenting of the children is contested and you do not obtain a court order waiving mediation.

**NOTICE: You may list an address that is not your residential address where you agree to accept legal documents.**

DATED: \_\_\_\_\_ SIGNED: \_\_\_\_\_

Petitioner/Attorney (If attorney, WSBA #: \_\_\_\_\_)

Typed Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Attorney(s) For: \_\_\_\_\_

DATED: \_\_\_\_\_ SIGNED: \_\_\_\_\_  
Respondent/Opposing Counsel (If attorney, WSBA #: \_\_\_\_\_)  
Typed Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Phone: \_\_\_\_\_  
Attorney(s) For: \_\_\_\_\_

**(c) Paternity Cases; Confirmation of Completion of Blood Testing; Form.**

(1) The form Confirmation of Completion of Blood Testing shall be filed by the petitioner no later than the date specified in the Case Schedule and shall be in substantially the following form:

- ☐ The petitioning party represents that:  
(IF THIS BOX IS CHECKED, THERE WILL NOT BE A STATUS CONFERENCE AS NOTED IN THE CASE SCHEDULING ORDER.)
1. Paternity blood testing of all named parties has been completed, the results of the tests are available to all parties, and no party has requested additional testing, OR
  2. Blood testing is not necessary in this case because paternity has been admitted.
- ☐ The petitioning party represents that:  
(IF THIS BOX IS CHECKED, THERE WILL BE A STATUS CONFERENCE, AS NOTED IN THE CASE SCHEDULING ORDER, AT WHICH ALL PARTIES OR THEIR ATTORNEYS MUST APPEAR.)
1. Paternity blood testing of all named parties has not been completed, or the results are not yet available to all parties, or a party has requested additional testing, AND
  2. Blood testing is necessary in this case because paternity is not admitted.

In order to obtain the Court's direction in the matters described above, the parties will appear at a Status Conference, the date of which (as stated in notices on the Case Schedule) is: \_\_\_\_\_.

**NOTICE: You may list an address that is not your residential address where you agree to accept legal documents.**

DATED: \_\_\_\_\_ SIGNED: \_\_\_\_\_  
Petitioner/Attorney (If Attorney, WSBA #) \_\_\_\_\_  
Typed Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Phone: \_\_\_\_\_  
Attorney(s) For: \_\_\_\_\_

[Adopted effective September 1, 1996; amended effective April 14, 1997; September 1, 1997; September 1, 1999; September 1, 2001, September 1, 2002.]

### LR 4.3 STATUS CONFERENCE; NON-COMPLIANCE HEARING

**(a) Applicability.** This rule applies only to family law, including paternity matters.

**(a)(b) Status Conference; When Held Required.**

~~(1) For cases in which the parties have filed a confirmation form which all parties have signed, that states that all requirements regarding joinder of parties, issues, and testing have been completed, there will not be a status conference, unless the assigned Judge specifically orders such a conference in a particular case. A status conference will be held in family law cases when:~~

- ~~(1) no confirmation of issues form or completion of blood testing form has been filed; or~~
- ~~(2) when the filed form indicates that requirements regarding joinder of parties and issues and/or testing remain outstanding.~~

**(c) Status Conferences; Location and Timing.**

~~(2) For all cases in which the confirmation form indicates that a requirement of the Case Schedule has not been met, or which all parties have not agreed to, a Status Conference will be held, for Seattle Case Assignment Area Cases, in the Presiding Courtroom, E942 King County Courthouse, at 9:30 AM, and for Kent Case Assignment Area Cases, at 9:30 AM in the courtroom designated at the Regional Justice Center, before the Judge, Commissioner or Special Master designated by the Presiding Judge. At that conference the Court may order the Case Schedule to be met by specific dates, continue the hearing, dismiss the case, impose terms or sanctions, or take other action to enforce the court rules regarding the Case Schedule. Status conferences are held at the date and time indicated on the case schedule. The courtroom number in which the conferences will be held will be posted. Status conferences for cases with a SEA designation will be held at the King County Courthouse. Status conferences for cases with a KNT designation will be held at the Regional Justice Center.~~

**(d) Status Conference; Authority of Assigned Judge.** Notwithstanding the provision of subsection (a) of this rule, the assigned judge may set a status conference in any case in which the court has determined that a status conference would be useful to the parties or to the court.

**(b)(e) Non-Compliance Hearing.** If a party fails to appear for a required Status Conference as set by the Case Schedule, the Court may issue an order to show cause establishing a non-compliance hearing to be held before the Judge, Commissioner or Special Master designated by the Presiding Judge. At that conference the Court may order the Case Schedule to be met by specific dates, continue the hearing, dismiss the case, impose terms or sanctions, or take other action to enforce the court rules regarding the Case Schedule.

[Adopted effective September 1, 1996; amended effective April 14, 1997; September 1, 1997, September 1, 2002.]

## **LR 5. SERVICE AND FILING OF PLEADINGS AND OTHER PAPERS**

**(a)-(c) [Reserved].**

**(d) Filing.** No motion for any order shall be heard unless the papers pertaining to it have been filed with the Clerk.

**(k) Copies of Cases Not to be Filed.** Photocopies or computer-generated copies of cases may be provided to a judge in working copies, LR 7(b)(3)(B), but shall not be filed with the clerk.

[Amended effective September 1, 1994; September 1, 1999, September 1, 2002.]

## **LR 7. CIVIL MOTIONS**

### **(b) Motions and Other Papers.**

(1) Scope of Rules. Except when specifically provided in another rule, this rule governs all motions in civil cases. See, for example, LR 56 and LR 94.04.

(2) Argument. All nondispositive motions and motions for orders of default and default judgment shall be ruled on without oral argument, except for the following:

- (A) Motions for revision of Commissioners' rulings;
- (B) Motions for temporary restraining orders and preliminary injunctions;
- (C) Family Law motions under LR 94.04;
- (D) Motions before Ex Parte Commissioners;
- (E) Motions for which the Court allows oral argument.

(3) Dates of Filing, Hearing and Consideration.

(A) Filing and Scheduling of Motion. The moving party shall serve and file all motion papers no later than six court days before the date the party wishes the motion to be considered. Oral argument, if any, may be scheduled by a party requesting oral argument by requesting it in the parties' written papers or by contacting the staff of the Judge or Commissioner who will consider the motion and obtaining the Judge's or Commissioner's consent. A motion must be scheduled by a party for hearing on a regular judicial day. For cases assigned to a Judge, if the motion is set for oral argument on a non-judicial day, the moving party must reschedule it with the Judge's staff; for motions without oral argument, the assigned Judge will consider the motion on the next regular judicial day. For cases not assigned to a Judge, motions with oral argument will be returned by the Clerk if set for a non-judicial day; motions without oral argument will be considered on the next regular judicial day.

(B) Working Copies. Working copies of the motion and all papers in support or opposition shall be delivered to the Judge who is to consider the motion no later than the day they are to be served on all other parties. The working copies of all papers in support or opposition shall be marked on the upper right corner of the first page with the date of consideration or hearing and the name of the Judge and shall be delivered to the Judge's mailroom in the courthouse in which the Judge is located.

(C) Opposing Papers. Any party opposing a motion shall file the original responsive papers in opposition to a motion, serve copies on parties and deliver copies to the hearing Judge via the Judges' mailroom in the courthouse in which the Judge is located, no later than 12:00 noon two court days before the date the motion is to be considered.

(D) Reply. Any papers in strict reply shall be filed, copies served on parties, and delivered to the hearing Judge via the Judges' mailroom in the courthouse in which the Judge is located, no later than 12:00 noon on the court day before the hearing.

(E) Terms. Any material offered at a time later than required by this rule, and any reply material which is not in strict reply, will not be considered by the

Court over objection of counsel except upon the imposition of appropriate terms, unless the Court orders otherwise.

(F) Confirmation and Cancellation. Confirmation is not necessary, but if the motion is stricken by the parties for any reason, the parties shall immediately notify the opposing parties and notify the staff of the Judge who was to hear the motion.

(4) Form of Motion and Opposition Papers.

(A) Note for Motion. A Note for Motion shall be filed with the motion. The Note shall identify the moving party, the title of the motion, the name of the Judge to whom the case is assigned, the trial date, the date for consideration or hearing, and the time of the hearing if it is a motion for which oral argument will be held. A Note for Motion form is available from the Clerk's Office.

(B) Form of Motion and of Opposition Papers. The motion shall be combined with the memorandum of authorities into a single document, and shall conform to the following format:

(i) Relief Requested. The specific relief the Court is requested to grant or deny.

(ii) Statement of Facts. A succinct statement of the facts contended to be material.

(iii) Statement of Issues. A concise statement of the issue or issues of law upon which the Court is requested to rule.

(iv) Evidence Relied Upon. The evidence on which the motion or opposition is based must be specified with particularity. The depositions and portions relied upon must be specified. Such specification of deposition testimony shall constitute a motion to publish the deposition, which motion will be deemed granted unless good cause is shown by an opposing party. Deposition testimony, discovery pleadings, and documentary evidence relied upon must be quoted verbatim or a photocopy of relevant pages of said deposition must be attached to an affidavit identifying the documents. Parties should highlight those parts upon which they place substantial reliance. Copies of cases shall not be attached to original pleadings.

(v) Authority. Any legal authority relied upon must be cited.

Copies of all cited non-Washington authorities upon which parties place substantial reliance shall be provided to the Judge who is to consider the motion and to all other counsel or parties, but shall not be filed with the Clerk.

Any memorandum in opposition shall also conform to the preceding format. The initial motion and opposing memorandum shall not exceed 12 pages without authority of the Court; reply memoranda shall not exceed five pages without the authority of the Court.

(C) Form of Proposed Orders; Mailing Envelopes. The moving party and any party opposing the motion shall attach to their papers a proposed order, clearly marked as "Proposed." The original of each proposed order shall be delivered to the Judge who is to consider the motion, along with working copies of the motion and opposition papers, but shall not be filed with the Clerk. For motions without oral argument, the moving party shall also provide the Court with pre-addressed stamped envelopes addressed to each party/counsel.



(5) Motions to Reconsider.

(A) Motion and Notice of Hearing. Motions for reconsideration of an order or judgment must be served and filed with proof of service on opposing parties, no later than 10 days after the date of entry of the order or judgment. The form of motion and notice of hearing shall conform to LR 7(b)(4). The motion shall set forth specific grounds for the reconsideration, and will be considered without oral argument unless called for by the Court.

(B) Response and Reply. No response to a motion for reconsideration shall be filed unless requested by the Court. No motion for reconsideration will be granted without such a request. If a response is called for, a reply may be filed within two days of service of the response.

(C) Form of Proposed Order; Mailing Envelopes. The moving party and any party given leave to file a memorandum in opposition shall attach to their papers a proposed order, clearly marked as "Proposed." The original of each proposed order, together with pre-addressed stamped envelopes for each party/counsel, shall be delivered to the Judge who is to consider the motion.

(6) Reapplication. No party shall remake the same motion to a different Judge without showing by affidavit what motion was previously made, when and to which Judge, what the order or decision was, and any new facts or other circumstances that would justify seeking a different ruling from another Judge.

(7) Motions for Revision of a Commissioner's Order. For all cases except juvenile and mental illness proceedings:

(A) A motion for revision of a Commissioner's order shall be served and filed within 10 days of entry of the written order, as provided in RCW 2.24.050, along with a written notice of hearing that gives the other parties at least six days notice of the time, date and place of the hearing on the motion for revision. The motion shall identify the error claimed.

(B) A hearing on a motion for revision of a Commissioner's order shall be scheduled within 21 days of entry of the Commissioner's order, unless the assigned Judge or, for unassigned cases, the Chief Civil Judge, orders otherwise.

(i) For cases assigned to an individual Judge, the time and date for the hearing shall be scheduled in advance with the staff of the assigned Judge.

(ii) For cases not assigned to an individual Judge, the hearing shall be scheduled by the Chief Civil Department for Seattle case assignment area cases. For Kent case assignment area cases, the hearing shall be scheduled by the RJC Chief Judge.

(iii) All motions for revision of a Commissioner's order shall be ~~de novo as provided in RCW 2.24.050~~ based on the written materials and evidence submitted to the Commissioner, including papers and pleadings in the court file. The moving party shall provide the assigned Court a working copy of all materials submitted to the Commissioner in support of and opposition to the motion, as well as a copy of the electronic recording, if the motion before the Commissioner was recorded. Oral arguments on motions to revise shall be limited to 10 minutes per side.

(iv) The Commissioner's written order shall remain in effect pending the hearing on revision unless ordered otherwise by the assigned Judge, or, for unassigned cases, the Chief Civil Judge.

(v) The party seeking revision shall, at least 5 days before the hearing, deliver to the Judges' mailroom, for the assigned Judge or Chief Civil Judge, the motion, notice of hearing and copies of all papers submitted by all parties to the Commissioner.

(vi) For cases in which a timely motion for reconsideration of the Commissioner's order has been filed, the time for filing a motion for revision of the Commissioner's order shall commence on the date of the filing of the Commissioner's written order of judgment on reconsideration.

[Amended effective September 1, 1984; May 1, 1988; September 1, 1992; September 1, 1993; September 1, 1994, March 1, 1996; September 1, 1996; April 14, 1997; September 1, 1997; September 1, 1999; September 1, 2001, September 1, 2002.]

## **LR 40. ASSIGNMENT OF CASES**

### **(a) Notice of Trial--Note of Issue.**

(1) The Clerk at filing will issue for all civil cases, except those noted in LR 4(b) or 40(a)(2), a trial date and a Case Schedule, and will assign the case to a Judge. Except as provided in LR 40(a)(2), all motions, trials and other proceedings in a case shall be brought before the assigned Judge. For cases in the Kent Case Assignment Area, the Regional Justice Center Chief Judge is delegated the responsibility of the Chief Civil Judge.

(2) Cases not assigned a Case Schedule or Judge on filing, or where initial hearing is not held before the assigned Judge:

(A) Antiharassment Petitions. Applications for temporary orders shall be presented in the Ex Parte Department. Hearings on final orders for Seattle and Kent case assignment area cases shall be set by the Seattle or Kent Ex Parte Commissioner in the temporary order.

(B) Certificate of Rehabilitation. These shall be noted with oral argument for 1:30 PM, Tuesday or Wednesday, in the Chief Civil Department for Seattle case assignment area cases. Kent case assignment area cases shall be set for 9:30 AM on Fridays before the Chief Regional Justice Center Judge.

~~(C) Eminent Domain. Initial motions for a finding of public use and necessity shall be presented to the Chief Civil Department for Seattle case assignment area cases, on Tuesday or Wednesday at 1:30 PM. Initial motions for Kent case assignment area cases shall be presented to the Chief Regional Justice Center Judge, on Fridays at 10:00 AM. Upon a finding of public use and necessity, the clerk shall issue a Case Schedule and assign the case to a Judge.~~

Small Claims Appeals. The clerk at filing will issue a Notice of Decision Date and Assignment of Judge for review of the record without oral argument and mail to all parties. The decision shall be mailed to the parties.

(D) Family Law Proceedings. Except for emergency matters and temporary restraining orders which may be heard in Ex Parte, motions for temporary orders in family law cases shall be brought before the Family Law Commissioners, as provided in LR 94.04.

(E) Guardianship Petitions. The hearings shall be scheduled before an Ex Parte Commissioner. If the matter is contested, it may be referred by the Commissioner to the Clerk who will issue a trial date and a Case Schedule and will assign the case to a Judge.

(F) Marriage Age Waiver Petitions. These petitions shall be presented in the Ex Parte Department.

(G) Mental Illness Proceedings. The hearings in mental illness proceedings shall be heard on the mental illness calendar.

(H) Minor Settlements. The initial hearings shall be set in the Ex Parte Department; contested proceedings may be referred by the Commissioner to the Chief Civil Department for assignment.

(I) Non Compliance Hearings. Hearings on the return of orders to show cause for failure to comply with the Case Schedule will be held in the designated

courtroom at the Seattle Courthouse~~Presiding Courtroom, E942 King County Courthouse~~, for Seattle case assignment area cases and in the designated courtroom at the Regional Justice Center for Kent case assignment area cases, before the Special Master, Commissioner or Judge hearing that calendar.

(J) Orders for Protection. Petitions for temporary orders shall be presented in the Ex Parte Department. Final hearings will be set on the domestic violence calendar in the Family Law Department.

(K) Probate Proceedings. The initial hearings shall be set in the Ex Parte Department; contested proceedings may be referred by the Commissioner to the Clerk who will issue a trial date and a case schedule and will assign the case to a Judge.

(L) Receivership Proceedings. If the petition is a new action and not part of an underlying proceeding, the initial hearings shall be set in the Ex Parte Department; contested proceedings may be referred by the Commissioner to the Clerk who will issue a trial date and a case schedule and will assign the case to a Judge.

(M) Status Conference (LR 4.3). The status conference calendar for all civil family law cases that require a status conference will be held in the designated courtroom at the Seattle Courthouse~~Presiding Courtroom, E942 King County Courthouse~~ for Seattle case assignment area cases and in the designated courtroom at the Regional Justice Center for Kent case assignment area cases before the Special Master, Commissioner or Judge hearing that calendar.

(N) Supplemental Proceedings. Hearings on supplemental proceedings shall be set before the Chief Civil Department.

(O) Support Modifications (Trials by Affidavit). See LR 94.04(g)(7).

(P) Unlawful Detainer Actions. The initial hearings shall be set in the Ex Parte Department; contested proceedings may be referred by the Commissioner to the Clerk who will issue a trial date and a case schedule and will assign the case to a Judge.

(Q) Work Permits. Applications for work permits shall be presented to the Chief Civil Department.

(R) Writs.

(i) Applications for Writs of Habeas Corpus relating to custody of minor children shall be presented to and returnable to the senior judge of the Unified Family Court department at the Regional Justice Center; and other extraordinary writs (Coram Nobis, Mandate, Prohibition, Certiorari) shall be presented to and made returnable to the Chief Civil Judge in Seattle for Seattle case assignment area cases or to the Chief RJC Judge in Kent on Fridays at 10:00 AM for Kent case assignment area cases. For other writs (pre-judgment garnishment, attachment, replevin, restitution, assistance) the initial application shall be presented to the Ex Parte Department or the assigned judge.

(ii) Writs of Review. (see LR 98.40)

(3) If a case has not been assigned a trial date, or if the assigned trial date has passed and the case has not been dismissed, any party may apply by motion to the assigned Judge, or if no assigned Judge, to the Chief Civil Department, for assignment of a trial date and a Case Schedule. The motion, which shall be decided without oral argument, shall briefly describe the case, including whether a jury demand has been filed,

the expected length of the trial, and any other information relevant to the setting of a trial date.

(4) Motions to consolidate cases for trial or other purposes, or to reassign a case to a different Judge for reasons of the efficient administration of justice, shall be made in writing to the Chief Civil Judge. Cases without a case schedule or an assigned Judge may be consolidated into another case by any judicial officer on the Court's own motion.

(5) When a Judge transfers to another department of the Court, unless otherwise ordered, all cases assigned to the transferring Judge shall be automatically transferred to the successor Judge.

(6) A Notice of Trial, as provided in CR 40(a), shall not be filed in any civil case.

**(d) Trials.**

(1) Court File. At all hearings and trials, the Clerk's files are for the use of the Court. For all court documents retained solely on microfilm in a court file which are relevant to the issues in a motion or trial, a designation of those documents shall be filed by the party requesting such with the Clerk, and a copy served upon the opposing party and assigned Judge not less than five court days before the trial date.

(2) Trial Briefs, Proposed Findings of Fact and Conclusions of Law, and Jury Instructions. Except as otherwise ordered by the Court, parties shall serve copies of the trial brief or memorandum of authorities, proposed findings of fact and conclusions of law in non-jury cases, and proposed jury instructions for jury cases, upon opposing parties, with a copy to the assigned Judge, no later than five calendar days before the scheduled trial date.

(3) Attorney's Fees; Evidence to Be Presented. Evidence as to the reasonable value of attorney's services shall be presented following the presentation of all evidence on both sides respecting the matters at issue, and following a determination by the Court that a party is entitled to an award of attorney's fees.

**(e) Change of Trial Date.**

(1) Limited Adjustment of Trial Date to Resolve Schedule Conflict. In cases that are governed by a Case Schedule, the trial date may be adjusted, prior to the Final Date to Change Trial, by motion, to a Monday no more than 28 days before or 28 days after the trial date listed in the Case Schedule.

(2) Change of Trial Date. A motion to strike a trial date, or change a trial date more than 28 days before or after the original date, shall be made in writing to the assigned Judge, or if there is no assigned Judge, to the Chief Civil Department, and shall be decided without oral argument. A motion to postpone a trial must be signed by the party making the motion unless it is shown why it is impractical for the party to sign, as well as by the party's attorney, if any. If a motion to change the trial date is made after the Final Date to Change Trial Date, as established by the Case Schedule, the motion will not be granted except under extraordinary circumstances where there is no alternative means of preventing a substantial injustice. A motion to strike or change a trial date may be granted subject to such conditions as justice requires.

(3) Amended Case Schedule. When a trial date is changed, the Judge changing the trial date may amend the case schedule, or direct that the Clerk issue a new case schedule.

(4) Change of Trial Date on Court's Motion. The Court on its own initiative may, if necessary, change the trial date.

**(f) Change of Judge.** For motions to consolidate or reassign a case in the interest of judicial economy, see LR 40(a)(4). For affidavits of prejudice see RCW 4.12.050.

**(g) Affidavits--Court Commissioners.** Affidavits of prejudice or for change of Court Commissioner will not be recognized. The remedy of a party is for a motion for revision under RCW 2.24.050.

[Amended September 1, 1977; September 1, 1978; September 1, 1980; amended effective January 1, 1983; September 1, 1984; December 1, 1988; January 1, 1990; September 1, 1992; September 1, 1993; September 1, 1996; April 14, 1997; September 1, 1997; September 1, 1999; September 1, 2001, September 1, 2002.]

## **LR 41. DISMISSAL OF ACTIONS**

### **(b) Involuntary Dismissal.**

#### **(2) Dismissal on Clerk's Motion.**

(A) Failure to Appear for Trial. If the case has not been disposed of within 45 days after the scheduled trial date, the case will be dismissed without prejudice on the clerk's motion without prior notice to the parties, unless the parties have filed a certificate of settlement as provided in LR 41(e)(3). The clerk will mail all parties or their attorneys of record a copy of the order of dismissal.

(B) Failure to File Final Order on Settlement. If an order disposing of all claims against all parties is not entered within 45 days after a written notice of settlement is filed, and if a certificate of settlement without dismissal is not filed as provided in section (e)(3) below, the clerk shall notify the parties by mail that the case will be dismissed by the court. If a party makes a written application to the court within 14 days of the mailing of the notice showing good cause why the case should not be dismissed, the court may order that the case may be continued for an additional 45 days or for such period of time as the court may designate. If an order dismissing all claims against all parties is not entered during that additional period of time, the clerk shall issue another notice as described in this section

(C) Failure to Follow Schedule. The Court may enter an order of dismissal without prejudice and without further notice for failure to attend ~~the~~ a status conference required by these rules as designated on the Case Schedule or to appear in response to the order to show cause issued for failure to appear for the status conference. In family law cases where the parties have agreed upon a final disposition, the dismissal may be set aside by an Ex Parte Commissioner.

(D) Failure to File Judgment or Appeal Following an Arbitration Award. At least 45 days after an arbitration award, the Court may, upon notice to parties, enter an order of dismissal without prejudice for failure to file a judgment or appeal following an arbitration award.

(E) Lack of Action of Record. The Court may enter an order of dismissal without prejudice for failure to take action of record during the 12 months just past. The Clerk shall mail notice to the attorneys of record that such case will be dismissed by the Court unless within 45 days following such mailing a status report is filed with the Court indicating the reason for inactivity and projecting future actions and a case completion date. If such status report is not received, the Court shall dismiss the case without prejudice.

**(c) Dismissal of Counterclaim, Cross-Claim, or Third Party Claim.** No local rule.

**(d) Costs of Previously Dismissed Action.** No local rule.

### **(e) Notice of Settlements.**

(1) Advising the Court of Settlement. After any settlement that fully resolves all claims against all parties, the parties shall, within five days or before the next scheduled court hearing, whichever is sooner, file and serve a written notice of settlement. If the case is assigned to an individual Judge and such written notice cannot be filed with the Clerk before the trial date, the assigned Judge shall be notified of the

settlement by telephone, or orally in open court, to be confirmed by filing and serving the written notice or certificate of settlement within five days.

(2) Notice of Settlement with Prompt Dismissal. If the action is to be dismissed within 45 days, the notice of settlement shall be in substantially the following form:

#### NOTICE OF SETTLEMENT OF ALL CLAIMS AGAINST ALL PARTIES

Notice is hereby given that all claims against all parties in this action have been resolved. Any trials or other hearings in this matter may be stricken from the Court calendar. This notice is being filed with the consent of all parties.

If an order dismissing all claims against all parties is not entered within 45 days after the written notice of settlement is filed, or within 45 days after the scheduled trial date, whichever is earlier, and if a certificate of settlement without dismissal is not filed as provided in LR 41(e)(3), the case may be dismissed on the Clerk's motion pursuant to LR 41(b)(2)(B).

\_\_\_\_\_  
Date

\_\_\_\_\_  
Attorney for Defendant

\_\_\_\_\_  
WSBA No.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Attorney for Plaintiff

\_\_\_\_\_  
WSBA No.

(Signatures by attorneys on behalf of all parties.)

(3) Settlement With Delayed Dismissal. If the parties have reached a settlement fully resolving all claims against all parties, but wish to delay dismissal beyond the period set forth in section (e)(2) above, the parties may file a certificate of settlement without dismissal in substantially the following form (or as amended by the Court):

#### CERTIFICATE OF SETTLEMENT WITHOUT DISMISSAL

##### I. BASIS

1.1 Within 30 days of filing of the Notice of Settlement of All Claims required by King County Local Rule 41(e), the parties to the action may file a Certificate of Settlement Without Dismissal with the Clerk of the Superior Court.

##### II. CERTIFICATE



2.1 The undersigned counsel for all parties certify that all claims have been resolved by the parties. The resolution has been reduced to writing and signed by every party and every attorney. Solely for the purpose of enforcing the settlement agreement, the Court is asked not to dismiss this action.

2.2 The original of the settlement agreement is in the custody  
of: \_\_\_\_\_  
at: \_\_\_\_\_.

2.3 No further Court action shall be permitted except for enforcement of the settlement agreement. The parties contemplate that the final dismissal of this action will be appropriate as  
of: \_\_\_\_\_.  
Date: \_\_\_\_\_

### III. SIGNATURES

\_\_\_\_\_  
Attorney for Plaintiff(s)/Petitioner  
WSBA No. \_\_\_\_\_

\_\_\_\_\_  
Attorney for Defendant(s)/Respondent  
WSBA No. \_\_\_\_\_

\_\_\_\_\_  
Attorney of Plaintiff(s)/Petitioner  
WSBA No. \_\_\_\_\_

\_\_\_\_\_  
Attorney for Defendant(s)/Respondent  
WSBA No. \_\_\_\_\_

### IV. NOTICE

The filing of this Certificate of Settlement Without Dismissal with the Clerk automatically cancels any pending due dates of the Case Schedule for this action, including the scheduled trial date.

On or after the date indicated by the parties as appropriate for final dismissal, the Clerk will notify the parties by mail that the case will be dismissed by the Court for want of prosecution unless within 14 days after the mailing a party makes a written application to the Court, showing good cause why the case should not be dismissed.

[Adopted effective September 1, 1993; amended effective September 1, 1994; September 1, 1996; September 1, 2001, September 1, 2002.]

#### **Official Comment**

1. Notice of Settlement. Subsections (b)(2) and (e)(1) are intended to prevent a case from entering a state of suspended animation after the parties reach a settlement. The rule creates a mechanism for a settled case to be formally closed by judgment or dismissal. A case will not be removed from the trial calendar on the basis of a settlement unless the settlement resolves all claims against all parties.

## **LR 94.04 FAMILY LAW PROCEEDINGS**

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### **(d) Child Custody and Parenting Plan Procedures.**

(1) Information Required. In child custody, visitation or parenting plan disputes each party shall submit the following information on forms prescribed by the Court or by the Office of the Administrator for the Courts:

(A) A proposed custodial or visitation plan or parenting plan.

(B) Uniform Child Custody Jurisdiction Act Declaration and Declaration Regarding Other Proceedings, which must be timely supplemented throughout the pendency of the proceedings.

(2) Referral for Mediation, Evaluation and Investigation.

(A) Mandatory Mediation. All parties to parenting plan, custody or visitation disputes shall participate in mediation unless waived by court order for good cause. The parties may agree to refer additional issues for mediation subject to Family Court Services' policy.

(B) Family Court Services.

(I) Available Dispute Resolution. Mediation and investigation services, on a sliding fee basis, shall be made available through Family Court Services unless the parties elect, at their own expense, to engage a private mediator. Any other dispute resolution pursuant to the Parenting Act shall not be provided by Family Court Services unless otherwise ordered.

(ii) Investigation by Professionals. In all parenting plans, custody and visitation cases not resolved by mediation or other dispute resolution process, the matter may be referred for a Family Court Services' investigation or, upon motion or by stipulation, to another suitable professional person or agency, with a report to be provided in writing to the Court and the parties in advance of trial.

(3) (Reserved)

(4) Evaluations. The Court may, upon motion, order a mental health evaluation or physical examination when appropriate. The issue of costs shall be addressed in the order. See LR 94.04(c)(7) on costs and fees.

(5) Child Advocate.

(A) Appointment. Upon motion of the parties or on the Court's own motion, the Court may appoint a child advocate who may be a Guardian ad Litem, a Court Appointed Special Advocate, or an attorney for the child.

The order shall designate the appointee, the duties, and make provision for payment of fees. See LR 94.04(c)(7) regarding costs and fees.

(B) Notice. The child advocate shall receive notice and copies of all discovery, hearings, presentations, and trials.

(C) Discharge. Unless otherwise set forth in these rules, the child advocate shall be discharged only by order of Court upon motion or upon completion of the case when final orders are filed with approval of the appointed child advocate.

(D) Court Appointed Special Advocate Program (CASA).

(i) Appointment. CASA may be appointed by the Court in its discretion and in contested cases where the parties have limited resources. The appointment shall be made on such order form as is prescribed by the Court, or the Office

of the Administrator for the Courts. Agreement of counsel alone shall not be sufficient reason to appoint CASA.

(ii) Discharge. CASA shall be discharged, using a form order prescribed by the Court. Unless otherwise specified in the final pleadings in a cause, CASA may submit to the Court, without notice to the parties, an order form discharging the CASA program. Entry of the discharge order does not prejudice the right of any party to duly note a motion on the Family Law Motion Calendar requesting reappointment of CASA.

(iii) Copies. If CASA is appointed, each party shall provide the CASA office with copies of legal pleadings, orders, and discovery.

(iv) Reports. One copy of the completed CASA report will be sent to each of the parties or to their attorneys if represented and to the Court. CASA shall retain the original report in CASA's file. The petitioner and respondent and their attorneys shall not photocopy, distribute, disseminate, or make available a copy of the CASA report to any person not a party to the action without prior Court approval (other than an expert witness or to a Court having before it issues involving the children and parties).

(v) Hearings. Motions in which CASA has been appointed shall be noted on the 10:00 AM calendar; however, if CASA participation at the hearing is necessary, the motion will be heard at 11:00 AM or as soon thereafter as the case in progress is finished but not sooner than any other case that obtained an earlier hearing number. Motions requiring CASA participation on the sealed file calendar or afternoon modification calendar shall be noted in the usual manner.

(6) Attorney for Child. An attorney appointed for a child shall represent the child and shall receive notice and copies of all discovery and hearings. See LR 94.04(c)(7) regarding costs and fees.

(7) Costs, Fees and Disbursements.

(A) Order to Pay. A motion for an order directing either a party or the county to pay the costs, fees and/or disbursements of an appointed attorney, child advocate or evaluator shall be heard on the family law motions calendar or by the trial court Judge hearing the matter. The order shall specify the allocation of the fees, costs, and disbursements among the parties.

(B) Financial Information. Each party shall provide a financial declaration on the form prescribed by the Office of the Administrator for the Courts, together with the following documents:

(i) Support Worksheets. Washington State Child Support Worksheets (ALL PAGES) signed by the submitting party, if child support is requested;

(ii) Tax Returns. Complete tax returns for the past two calendar years together with all schedules and W2s;

(iii) Partnership and Corporate Tax Returns. Complete partnership and corporate tax returns for the past two years together with all schedules and attachments for all partnerships and corporations in which a party has had an interest of five percent or more;

(iv) Pay Stubs. All pay stubs showing income for the past six months or since January 1 of the calendar year, whichever period is greater.

(C) Indigency. Except for good cause shown, no reimbursement will be ordered at public expense for services performed or disbursements made prior to an order of indigency having been entered upon notice to the agency from whom payment is requested. If payment is sought from the Court, notice shall be served on the Superior Court Budget Director. The Budget Director shall audit the reasonableness of the fees, costs, and services and shall promptly submit it to the Audit Committee for an order of disbursement.

(D) Limitations. Unless greater expenditures are earlier ordered or agreed in writing to be paid by non-indigent parties, the fees of a GAL or attorney for the child or other investigator shall be set by the Court.

(8) Seminar for Parenting Plans.

(A) Applicability. This rule applies to all cases filed under RCW Ch. 26.09, 26.10, or Ch. 26.26 of the RCW filed after September 1, 2002, which require a parenting plan for minor children, including dissolutions, legal separations, major modifications, non-parent custody actions, and paternity actions in which paternity has been established. This rule does not apply to modification cases based solely on relocation. In the case of paternity actions initiated by the Prosecuting Attorney's Office, the Seminar For Parenting Plans shall be required only after an order on paternity has been filed with the court and a parenting plan is requested.

(B) Parenting Seminars; Mandatory Attendance. In all cases referred to in Section (A) above, and in those additional cases arising under Title 26 RCW where a court makes a discretionary finding that a parenting seminar would be in the best interest of the children, both parents, and such non-parent parties as the court may direct, shall participate in, and successfully complete, an approved parenting seminar within 60 days after service of a petition on the responding party. Successful completion shall be evidenced by a certificate of attendance filed with the court by the provider agency.

(C) Special Considerations/Waiver.

(i) In no case shall opposing parties be required to attend a seminar together.

(ii) Upon showing of domestic violence, abuse, safety concerns, or 26.09.191 allegations, or that a parent's attendance at a seminar is not in the children's best interest, the court shall either:

waive the requirement of completion of the seminar; or

provide an alternative Seminar For Parenting Plans.

(iii) The court may waive the seminar requirement for one or both parents in any case for good cause shown.

(D) Failure to Comply. Delay, refusal or default by one parent does not excuse timely compliance by the other parent. Unless attendance at the seminar is waived, a parent who delays beyond the 60 day deadline, or who otherwise fails or refuses to complete the parenting seminar, shall be precluded from presenting any final order affecting the parenting/residential plan or finalizing the parenting plan in this action, until the seminar has been successfully completed. The court may also refuse to allow the non-complying party to seek affirmative relief in this or subsequent proceedings until the seminar is successfully completed. Willful refusal or delay by

either parent may constitute contempt of court and result in sanctions imposed by the court, or may result in the imposition of monetary terms, default, and/or striking of pleadings.

(E) Finalizing Parenting Plans. All parties are required to attach to their proposed Final Parenting Plan a true and accurate signed and dated copy of the certificate of completion of the Seminar For Parenting Plans. No final parenting plan shall be entered without said certificate or a court order waiving attendance.

(F) Fee. Each party attending a seminar shall pay a fee charged by the provider and sanctioned by the court. The court may waive the fee for indigent parties.

**(e) Financial Provisions.**

....

**(h) Modification Proceedings.**

....

**(7) Support Modifications.**

(A) Commencement. A proceeding solely for the modification of child or spousal support is commenced by petition, and each requires service of a summons and 20 days' notice before default (60 days if served out of state). The Summons and Petition shall be in the form as prescribed by the Office of the Administrator for the Courts and shall be served with a blank copy of the financial declaration.

(i) Case Scheduling. If there is a request for modification of custodial or visitation or parenting plan provisions, the matter is then treated as one for modification of custody or residential plan for Case Schedule and adequate cause hearing purposes.

**(B) Financial Declaration: Modifications.**

(i) Filing with Petition. All parties petitioning for modification of child support or spousal maintenance shall serve with the summons and petition a completed financial declaration in the form prescribed by the Office of the Administrator for the Courts together with the following required documents:

- a) If child support is an issue, Washington State Child Support Worksheets (ALL PAGES), signed by the submitting party;
- b) Complete tax returns for the past three calendar years together with all schedules and W2s, a complete tax return for the year that the prior final court order of support was entered and complete partnership and corporate tax returns for the past two years together with all schedules and attachments for all partnerships and corporations in which a party's interest is five percent or greater;
- c) All pay stubs showing income for the past six months or since January 1 of the calendar year, whichever period is greater;
- d) Check registers and all statements of financial institutions for the past six months showing all deposits and withdrawals made in all financial accounts in which a party has had an interest; and,
- e) A blank financial declaration.

(ii) Responsive Documents. The responding party's answer or response and financial declaration in the form prescribed by the Office of the Administrator for

the Courts shall be served, and the answer filed, within 20 days of service (60 days if served out of state), together with the following required documents:

- a) If child support is an issue, Washington State Child Support Worksheets (ALL PAGES), signed by the submitting party;
- b) Complete tax returns for the past three calendar years together with all schedules and W2's as well as a complete tax return for the year that the prior court order of support was entered as well as complete partnership and corporate tax returns for the past two years together with all schedules and attachments for all partnerships and corporations in which a party's interest is five percent or greater;
- c) All pay stubs showing income for the past six months or since January 1 of the calendar year, whichever period is greater;
- d) Check registers and all statements of financial institutions for the past six months showing all deposits and withdrawals made in all financial accounts in which a party has had an interest.

(iii) Pretrial Motions.

a) Motions to continue trial dates in support only and maintenance modifications shall be noted without oral argument before the Judicial Officer assigned to the Support-Only Modification Trial calendar ~~on the non-assigned matters calendar in the Chief Civil Department.~~

b) All other pretrial motions including discovery and motions to compel are to be heard on the family law motions calendar.

(C) Method of Disposition: Support Modifications.

(i) Trial by Affidavit. All support-only modifications shall be heard on affidavits, declarations, pleadings and discovery materials obtained pursuant to CR 26-37 only, unless both parties stipulate to arbitration as provided herein or unless, in extraordinary circumstances, the ~~assigned Judge~~ Judicial Officer Assigned to the Support-Only Modification calendar authorizes oral testimony pursuant to subsection ~~(iii)~~ iv herein.

(ii) Unless otherwise assigned by the court, all support-only modification trials shall be heard on the support modification calendar by a Family Law Commissioner.

(iii) Affidavits of Prejudice Not to be Recognized. See LR 40(g).

(iv) Motion for Oral Testimony. A party seeking authority to present oral testimony must file a motion requesting oral testimony, together with affidavits setting forth the reasons testimony is necessary to a just adjudication of the issues, no later than the date set forth in the Case Schedule issued by the Court. The motion must be accompanied by a note for consideration before the ~~Chief Civil Judge~~ Judicial Officer assigned to the Support-Only Modification calendar. The motion shall be considered without oral argument.

The affidavits and exhibits must demonstrate the extraordinary features of the case. Factors which may be considered include substantial questions of credibility on a major issue, insufficiency or inconsistency in discovery materials not correctable by further discovery, or particularly complex circumstances requiring expert testimony.

A motion for testimony may be joined by the other party, but an order providing for trial with testimony cannot be entered by stipulation. If the motion is granted, a Case Schedule will be issued in accordance with LR 4.

A support-only modification trial heard with oral testimony under this rule shall be heard on the support-modification calendar by a Family Law Commissioner, unless otherwise assigned by the court.

(v) Stipulation to Arbitration. The parties may jointly stipulate to arbitrate the issues pursuant to the Mandatory Arbitration Rules. Such a stipulation must be in writing in a form as prescribed by the Court. Motions for temporary relief after an arbitrator is appointed are heard by the arbitrator.

Requests for trial from arbitration shall be heard on the trial by affidavit calendar as established herein. Such appeals are otherwise subject to the other Mandatory Arbitration Rules relating to appeals from arbitration.

(vi) Trial by Affidavit--Procedure. Trial settings on the affidavit calendar must be confirmed as for any other trial setting, pursuant to policy of the Court. All pleadings, affidavits and exhibits on which a party seeks to rely at trial must be filed and served, in accordance with a schedule issued by the Court at the time of filing. Each side will have a maximum of 20 minutes to present argument on the issues.

(8) Procedure: Support and Parenting Plan Modifications.

(A) Orders to Show Cause. All applications for Orders to Show Cause and Temporary Restraining Orders, or reissuance of either, shall be made in the Ex Parte Department.

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[Amended September 1, 1978; September 1, 1981; July 17, 1985; September 1, 1985; September 1, 1986; May 1, 1988; December 1, 1988; January 1, 1990; September 1, 1990; September 1, 1992; September 1, 1993; September 1, 1994; September 1, 1996; April 14, 1997; September 1, 1997; September 1, 2001; September 1, 2002.]

## LR 98.40 WRITS OF REVIEW, MANDAMUS, PROHIBITION

(a) **Applicability.** This rule shall apply to a writ filed pursuant to ch. 7.16, RCW.

(b) **Notice to Adverse Party.** Except in extraordinary circumstances, no writ shall issue unless the adverse party has been given timely notice pursuant to CR 6, LR 7, of the application for writ. If the notice was not given in a timely manner, the hearing on the application for writ shall be continued. No stay of proceedings shall issue without notice to all parties to the underlying cause from which the writ is sought. No stay of proceedings shall be issued by a judge *pro tempore* absent express written authority of the presiding judge or, in her or his absence, the assistant presiding judge.

(c) **Contents of Application for Writ.** The following documents must be filed with the application for the writ:

- (1) Statement of relief requested;
- (2) Legal memorandum explaining why there is no adequate remedy at law;
- (3) Declaration or affidavit in support of the factual assertions in the writ;
- (4) Declaration of notice to adverse party or statement as to why notice should

be excused.

(d) **Scheduling of Hearing on Application for Writ:** The hearing on a writ from a criminal or infraction case shall be noted before the Chief Criminal Judge. The hearing on a writ from any other case shall be noted before the Chief Civil Judge. Where a stay of proceedings has been entered, the dispositive hearing on the writ shall be heard within thirty days of the issuance of the writ.

(e) **Motion to File Writ *in forma pauperis*.** The Chief Criminal Judge, in criminal and infraction cases, or the Chief Civil Judge in other cases shall review a motion to file *in forma pauperis* before a hearing on the application for a writ shall be scheduled. If the motion is granted, the clerk shall accept the application for filing without requiring a filing fee and shall assign a case number.

(f) **Issuance of Case Schedule.** When the court has found adequate cause for issuance of a writ, the filing party shall obtain a trial date and a case schedule from the clerk who will also assign the case to a Judge.

[Adopted effective September 1, 2001, amended effective September 1, 2002]



## LCrR 7.1 PRESENTENCE INVESTIGATION

**(a) When Required; Time of Service.** Unless otherwise directed by the court, in all cases where a person is to be sentenced for commission of a felony, the prosecuting attorney and the defendant's attorney shall, not less than three days before the sentencing date, serve a copy of his/her presentence report upon the opposing party and the original to the sentencing judge. The Department of Corrections shall serve a copy of its report when ordered upon the prosecuting attorney and the defense attorney and the original to the sentencing judge not less than three days before the sentencing date.

**(b) Penalties for Violation.** A violation of this rule may result in the refusal of the court to proceed with the sentencing until after reports have been filed as directed herein, and in the imposition of terms; or the court may proceed to impose sentence without regard to the violation.

**(c) Working Copies.** Any party requesting that the court impose an exceptional sentence shall serve a working copy of the proposed findings in support of the request for an exceptional sentence to the court and opposing counsel no later than seven days before the date scheduled for sentencing.

[Amended effective September 1, 2001, September 1, 2002]

**\*\*NEW RULE\*\***

**LJuCR 7.15 INFRACTIONS**

**(a) Scope of Rule.** This rule governs the procedure in juvenile court for all cases involving "infractions". Infractions are noncriminal violations of law defined by statute or ordinance.

**(b) Notice of Infraction.** An infraction case is initiated by the issuance, service, and filing of a notice of infraction in accordance with this rule. The notice shall identify the infraction which the respondent is alleged to have committed, the accompanying statutory citation or ordinance number, the date the infraction occurred, and the date of the prehearing conference.

**(c) Service of Notice.** Upon the prosecuting authority filing the notice of infraction with the court, the clerk of the court shall have the notice served by mail, postage prepaid, on the person named in the notice of infraction at his or her address.

**(d) Prehearing Conference.** The prehearing conference shall be set no sooner than 14 days and no later than 60 days after the filing of the notice of infraction. At the conference, the juvenile may (1) pay the amount of the monetary penalty in accordance with applicable law, in which case the court shall enter a judgment that the respondent has committed the infraction; (2) explain any mitigating circumstances surrounding the commission of the infraction; or (3) contest the determination that an infraction occurred by requesting a contested hearing;

**(e) Mitigation Hearing.** If the respondent indicates that there are mitigating circumstances, the court shall hold an informal hearing which shall not be governed by the Rules of Evidence. The court shall determine whether the respondent's explanation of the events justifies reduction of the monetary penalty. The court shall enter an order finding the respondent committed the infraction and may assess a monetary penalty. The court may not impose a penalty in excess of the monetary penalty provided for the infraction by law. The court may waive or suspend a portion of the monetary penalty, or provide for time payments, or in lieu of monetary payment provide for the performance of community service as provided by law. The court has continuing jurisdiction and authority to supervise disposition for not more than 1 year.

**(f) Contested Hearing.** The contested hearing shall be scheduled for not more than 60 days from the date of the prehearing conference. The court shall determine whether the plaintiff has proved by a preponderance of the evidence that the respondent committed the infraction. If the court finds the infraction was committed, it shall enter an appropriate order on its records and it may assess a monetary penalty against the respondent. The monetary penalty assessed may not exceed the monetary penalty provided for the infraction by law. The court may waive or suspend a portion of the monetary penalty, or provide for time payments, or in lieu of monetary payment provide for the performance of community service as provided by law. The court has continuing jurisdiction and authority to supervise disposition for not more than 1 year. If the court finds the infraction was not committed, it shall enter an order dismissing the case.

**(g) Failure to Appear.** If the respondent fails to respond to a notice of infraction or fails to appear for a court hearing, the court shall enter an order finding that the

respondent has committed the infraction and shall assess any monetary penalties provided for by law.

[Adopted effective May 1, 2002.]

*This rule and LJuCR 7.3, which follows, have previously been adopted as emergency changes.*

## **LCrR 5.1 COMMENCEMENT OF ACTIONS; CASE ASSIGNMENT AREA**

### **(d) Location for Court Proceedings for Criminal Cases Filed in King County; Filing of Papers and Pleadings and Designation of Case Assignment Area.**

(1) Designation of Case Assignment Area. ~~In order to facilitate the transfer of cases to the Regional Justice facility upon completion of construction, it is required that from and after the first day of June 1, 1996 e~~Each criminal case filed in the Superior Court shall be accompanied by a designation of the Case Assignment Area.

(2) Boundaries of Case Assignment Areas. For purposes of this rule King County shall be divided into case assignment areas as follows:

(A) Seattle Case Assignment Area. All of King County north of Interstate 90 and including all of the Interstate 90 right-of-way; all of the cities of Seattle, Mercer Island, Bellevue, Issaquah and North Bend; the unincorporated areas of King County Sheriff's Precinct 4; and including all of Vashon and Maury Islands.

(B) Kent Case Assignment Area. All of King County south of Interstate 90 except those areas included in the Seattle Case Assignment Area.

(C) Change of Area Boundaries. The Presiding Judge may adjust the boundaries between areas when required for the efficient and fair administration of justice in King County.

(3) Standards for Case Assignment Area Designation, and Revisions Thereof.

(A) Case Assignment Area Designated by Prosecuting Attorney. The indictment or information filed with the Clerk shall contain the Case Assignment Area designation of the case.

(B) Standard for Designation. Except as provided in Section (C) below, the Prosecuting Attorney shall assign the case to the Case Assignment Area where the offense is alleged to have been committed.

(C) Exceptions to Standard Designation.

(i) The Prosecuting Attorney may designate a case assignment area different than provided in (B) above:

a) Where the location of the offense within the county cannot be easily ascertained or the offense was committed in more than one area of the county;

b) Where multiple offenses charged were committed in more than one area of the county;

(ii) The following case categories shall be designated to the Seattle Case Assignment Area:

a) Fugitives from justice.

b) Appeals in criminal cases from courts of limited jurisdiction.

c) Cases accepted into Drug Court.

(iii) When a defendant has an action pending, any new action filed against that defendant shall be assigned to the same case assignment area as the pending case.

(D) Improper Designation/Lack of Designation. The designation of the improper case assignment area shall not be a basis for dismissal of any action.

(E) Assignment or Transfer on Court's Motion. The Court on its own motion or on the motion of a party may assign or transfer cases to another case assignment area in the county whenever required for the just and efficient administration of justice in King County.

(F) Motions by Party to Transfer. Motions to transfer court proceedings from one case assignment area to another shall be made in writing, with proper notice to all parties. Motions to transfer shall generally be heard prior to trial setting only. All cases shall proceed in the original case assignment area until an order of transfer is entered.

(G) Venue Not Affected. This rule shall not affect whether venue is proper in any Superior Court facility in King County.

(H) Pre-Filing Requests for Exceptions. The Prosecutor in advance of filing a particular case, for good cause shown, may apply ex parte to the Chief Criminal Judge for an exception to the normal case assignment area.

(4) Where Pleadings and Papers Filed. Pleadings and papers for any criminal action in King County shall be filed with the Clerk of the Superior Court at the court facility in the case assignment area of the case. Service of papers on the Prosecuting Attorney and the defendant's attorney shall be made at the office of the Prosecutor and defense attorney located in the case assignment area of the case at the time of service.

(5) Inclusion of Case Assignment Area Code. All pleadings and papers shall contain after the cause number the case assignment area code. The Clerk may reject pleadings or papers that do not contain this case assignment area code.

[Adopted effective June 1, 1996; amended effective September 1, 2001; December 1, 2001]

### **LJuCR 7.3 DETENTION AND RELEASE WITHOUT HEARING**

#### **(c) Admission to Detention and Review.**

(1) Authority. The screening officer who is responsible for intake procedure shall have the authority to admit any juvenile to detention, subject to RCW 13.40.040.

(2) Review. The admission of a juvenile to detention shall be reviewed by a designated staff person within 24 hours of the admission. The juvenile may be detained thereafter only if that person believes grounds for detention apply as stated herein. Those grounds shall be detailed in a written form by that staff person. That form shall be presented to the Court at 8:30 AM on the next judicial day, for review and action as deemed appropriate.

(3) Grounds for Detention. A juvenile shall not be admitted to or detained at the Youth Service Center unless the conditions specified in RCW 13.40.040 are met.

(4) Judicial Consultation Regarding Admission. When a law enforcement agency requests that a juvenile be held and the screening officer disagrees with that request, the screening officer shall consult with the on-call Judge who shall make the final determination. The screening officer may also consult with the on-call Judge in any case.

(5) Presentation of order to release juvenile in detention. At a detention review, a Judge may enter an order to authorize a juvenile probation counselor to present an ex parte order to release a juvenile from detention. The signature of the juvenile offender acknowledging any conditions of release must be on the presented order. The signature of defense counsel or the prosecutor is not required unless specifically ordered by the Judge, or if requested by counsel at the initial detention review hearing.

[Former LJuCR 7.4 renumbered and amended effective September 1, 1983, January 1, 2002.]